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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/712,107 | 11/14/2003 | Akihisa Yamazaki | 0879-0420P | 8226 |
| 2292 | 7590 | 08/18/2006 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | KOVALICK, VINCENT E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2629 | |

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,107

Applicant(s)

YAMAZAKI, AKIHISA

Examiner

Vincent E. Kovalick

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 is/are allowed.
- 6) ☒ Claim(s) 1,3,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/2/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Applicant's, Response to Non-Final office Action dated May 17, 2006, in response to USPTO Office Action dated February 17, 2006.

Claim Rejections – 35 USC 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama et al. (USP 5,612,732) taken with Soltesz et al. (USP 5,756,978) in view of Slaughter, III et al. (USP 5,598,536) and further in view of Landis et al. (USP 5,588,148).

Relative to claim 1, Yuyama et al. **teaches** a portable compact imaging and displaying apparatus with rotatable camera (col. 1, lines 38-67 and col. 2, lines 1-36); Yuyama et al. further **teaches** a camera comprising an imaging part provided with an imaging optical system and an imaging device, an image of a subject being formed on a light receiving surface of the imaging device through the imaging optical system, the imaging device photoelectrically converting the image into an image signal; a signal processor for processing the image signal sent from the imaging device so as to produce image data (col. 12, lines 23-58 and Fig. 7).

Art Unit: 2629

Yuyama et al. **does not teach** an information reader for reading identification information from an external storage medium; a communicating device for communicating with a server through a network, the server being designated in accordance with the read identification information; and a data transmitter for transmitting the image data to the server.

Soltesz et al. **teaches** a modular optical memory card image display point of sale terminal (col. 23, lines 46-67 and col. 3, lines 1-34); Soltesz et al. further **teaches** an information reader for reading identification information from an external storage medium (col. 5, lines 14-35).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Yuyama et al. the feature as taught by Soltesz et al. in order to put in place the means for automatically reading and authenticating identification information.

Yuyama et al. taken with Soltesz et al. **does not teach** a communicating device for communicating with a server through a network, the server being designated in accordance with the read identification information; and a data transmitter for transmitting the image data to the server.

Slaughter, III et al. **teaches** an apparatus and method for providing remote users with the same unique IP address upon each network access (col. 1, lines 63-67 and col. 2, lines 1- 54);

Slaughter, III et al. further **teaches** a communicating device for communicating with a server through a network, the server being designated in accordance with the read identification information (col. 6, lines 41-64).

It would have been obvious to a person of ordinary skill in the art at the time of the invention

Art Unit: 2629

to provide to the device as taught by Yayama et al. taken with Soltesz et al. the feature as taught by Slaughter, III et al. in order to provide the means for authorized units to communicate with the system server included in the network.

Yayama et al. taken with Soltesz et al. in view of Slaughter, III et al. **does not teach** a data transmitter for transmitting the image data to the server.

Landis et al. **teaches** managing data transfer between processing unit devices (col. 1, lines 12-67 and col. 2, lines 1-2); Landis further **teaches** a data transmitter for transmitting the image data to the server (col. 1, lines 27-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Yayama et al. taken with Soltesz in view of Slaughter, III et al. the feature as taught by Landis et al. in order to provide the means for enabling communication and transmission of image data to the server for further distribution.

Regarding claim 3, Yuyama et al. further **teaches** a camera further comprising an image display for displaying a first image captured by the imaging part and a second image represented by image data distributed from the server (col. 12, lines 23-28). It being understood that the said display can accommodate images generated by either images captured by the imaging part and image data distributed from the server.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yayama et al. taken with Soltesz et al. in view of Slaughter, III et al. and further in view of Landis et al. as applied to claim 1 in item 3 hereinabove, and further in view of Uchida et al. (USP 5,640,253). Relative to claim 6, Yayama et al. taken with Soltesz et al. in view of Slaughter, III et al. and further in view of Landis et al. **does not teach** the said camera further comprising an information

Art Unit: 2629

adding device for adding the read identification information to the image data.

Uchida et al. **teaches** an image processing apparatus (col. 1, lines 32-67); Uchida et al. further **teaches** the said camera further comprising an information adding device for adding the read identification information to the image data (col. 3, lines 60-64 and col. 8, lines 3-9).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Yayama et al. taken with Soltesz et al. in view of Slaughter, III et al. and further in view of Landis et al. the feature as taught by Uchida et al. in order to provide the means to add identification information to the image data to accommodate image data retrieval.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yayama et al. taken with Soltesz et al. in view of Slaughter, III et al. and further in view of Landis et al. taken with Uchida et al. as applied to claim 6 in item 4 hereinabove and further in view of Yamada (JP05323705).

Regarding claim 7, Yayama et al. taken with Soltesz et al. in view of Slaughter, III et al. and further in view of Landis et al. taken with Uchida et al. **does not teach** the said camera further comprising an image data retrieving device for retrieving the image data in accordance with the added identification information.

Yamada **teaches** an image filing device (Purpose); Yamada further **teaches** an image data retrieving device for retrieving the image data in accordance with the added identification information (Yamada, Constitution).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Yayama et al. taken with Soltesz et al. in view of Slaughter, III

Art Unit: 2629

et al. and further in view of Landis et al. taken with Uchida et al. the feature as taught by Yamada. in order to facilitate the retrieval of image data that has been augmented, said retrieval bases on the image augmentation data.

Allowable Subject Matter

6. Claims 2 and 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relative to claim 2, the major difference between teachings of the prior art of record (Yuyama et al. (USP 5,612,732); Soltesz et al. (USP 5,756,978); Slaughter, III et al. (USP 5,598,536) and Landis et al. (USP 5,588,148)), and that of the instant invention is that said prior art of record **does not teach** a camera comprising a communicational condition evaluating device for determining whether condition of the communication of the communicating device with the served is satisfactory; and a communication postponing device for, if the communicational condition evaluating device determines that the condition is unsatisfactory, postponing the communication of the communicating device with the server until the communicational condition evaluating device determines that the condition becomes satisfactory.

Relative to claim 4, the major difference between teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** the said camera comprising a camera communicating device for communicating with at least one additional cameras reading the same identification information that the camera reads; and a cooperative

Art Unit: 2629

mode designating device for designating the camera in either of a master mode and a slave mode with respect to the additional cameras; wherein the camera supervises the additional camera through the camera communicating device when the camera is in the master mode; when the camera is supervised by one of the additional cameras through the camera communicating device when the camera is in the slave mode, the one of the additional cameras being designated in the master mode by the cooperative mode designating device thereof.

Relative to claim 5, the major difference between teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a camera comprising an identification information storage device for storing identification information of a plurality of persons read by the information reader; and a communication controller for controlling the communicating device and the data transmitter such that the communicating device communicates with the server designated in accordance with the read identification information of each of the persons and the data transmitter transmits the image data to the designated server.

7. Claims 8-11 are allowed.

8. The following is an examiner's statement of reasons for allowance:

Relative to claim 8, the major difference between teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** a camera comprising an imaging part provided with an imaging optical system and an imaging device, an image of a subject being formed on a light receiving surface of the imaging device through the imaging optical system, the imaging device photoelectrically converting the image into an image signal; further comprising a user's identification information setting device for setting the owner's identification information as user's identification information if the information reader

reads no identification information and setting the identification information read by the information reader as the user's identification information if the information reader reads the identification information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Applicant's Remarks

9. Applicant's arguments filed May 17, 2006 have been fully considered but they are not persuasive.

Regarding Claim 1, Applicant's argument that Yayama (USP 5,612,732) does not teach reading identification information from an external memory; or Yayama does not teach or suggest connecting to a server in accordance with identification information and transferring data to a server.

As indicated in the said USPTO Action of February 17, 2006, these features are taught by Soltesz et al. (USP 5,756,978) and Slaughter, III et al. (USP 5,598,536).

Soltesz et al. teaches an information reader for reading identification information from an external storage medium (col. 5, lines 14-35); Soltesz et al. further teaches reading optical cards (external storage medium) including a person's image along with the person's specific data including name, address, social security number etc. as required by a specific application. (col. 5,

lines 14-29); the personal data in turn is used to direct communications with a specific network server (col. 5, lines 29-35).

Slaughter, III et al. teaches a communicating device for communicating with a server through network, the server being designated in accordance with the read identification information (col. 6, lines 32-64 and Fig. 1); Slaughter, III et al. specifically teaches user identification information being used to direct access to a specific server (col. 6, lines 50-56).

Landis et al. (USP 5,588,148) teaches data transfer from a source to a server (col. 1, lines 41-43).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to combine is found in the knowledge generally available to one of ordinary skill in the art.

Applicant's arguments relative to claim 8 are moot in light of the allowance of claim 8 and its dependent claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | | |
|------------------|-----------|------------------|
| U. S. Patent No. | 6,298,386 | Rosner et al. |
| U. S. Patent No. | 6,005,678 | Higashida et al. |
| U. S. Patent No. | 5,999,766 | Hisatomi et al. |

Final Rejection

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

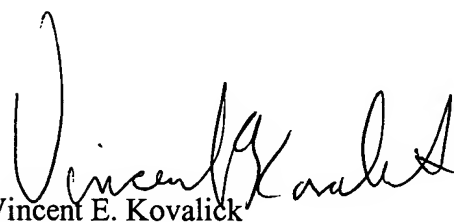
Art Unit: 2629

To Respond

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E. Kovalick whose telephone number is 571-272-7669. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vincent E. Kovalick

August 16, 2006



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